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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 BLAIR CHRISTOPHER HANLOH,

12 Petitioner,

13 v.

14 PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.
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No. SA CV 17-00113-JLS (DFM)

ORDER SUMMARILY
DISMISSING PETITION

19 On January 23, 2017, Blair Christopher Hanloh (“Petitioner”) filed three
20 petitions for writ of habeas corpus under 28 U.S.C. § 2254 in this Court, each
21 challenging different state-court convictions. In the instant case, No. SA CV
22 17-00113-JLS (DFM) (“Petition”),¹ Petitioner challenges his August 2012
23 convictions, following a jury trial in Orange County Superior Court, for five
24 counts of recording a false instrument. See People v. Hanloh, Nos. G049417,
25 G049525, 2015 WL 2265697 (Cal. App. May 13, 2015); People v. Hanloh, No.
26 G049417, 2016 WL 1166382 (Cal. App. Mar. 24, 2016); see also Orange Cty.
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28 ¹ Citations to the Petition use the pagination provided by CM/ECF.

1 Superior Ct. Case Access, https://ocapps.occourts.org/Vision_PublicNS/
2 (search for case no. 10CF1450). Petitioner received a four-year prison sentence
3 for those convictions. Petition at 1; see also Hanloh, 2015 WL 2265697, at *1.²

4 On February 6, 2017, the Magistrate Judge ordered Petitioner to show
5 cause why all three of the January 23 petitions should not be dismissed. Dkt. 4
6 (“OSC”). Regarding the Petition in this case, the Magistrate Judge observed
7 that the Court appeared to lack jurisdiction because at the time the Petition
8 was filed, Petitioner was no longer in jail and did not appear to be serving a
9 probation or parole term for the challenged convictions; thus, he was not “in
10 custody” for the purposes of § 2254. See OSC at 3-4. The Magistrate Judge
11 noted that according to publicly available case information, it appeared that
12 Petitioner might be on probation for the convictions challenged in one of his
13 other January 23 petitions, SACV 17-00116-JLS (DFM), and the Magistrate
14 Judge therefore ordered Petitioner to “clarify whether he received a term of
15 probation in that case and when it expired or is set to expire.” OSC at 4, 9. The
16 Magistrate Judge further found that the Petition in this case must be dismissed
17 under Rule 4 of the Rules Governing § 2254 Cases in U.S. District Courts
18 because all of its claims, which challenged Petitioner’s convictions through the
19 operation of the Uniform Commercial Code (“UCC”), were frivolous. See

21 ² Petitioner filed two previous state habeas petitions in this Court. The
22 first petition, in case number SA CV 15-01540-JLS (DFM), was dismissed
23 without prejudice because it challenged an ongoing state criminal proceeding
24 and was unexhausted. See Blair Christopher Hanloh v. Sandra Hutchens, No.
25 15-01540 (C.D. Cal. Dec. 21, 2015), Dkt. 4 (report and recommendation); id.
26 (C.D. Cal. Mar. 7, 2016), Dkts. 9 & 10 (order accepting and judgment). The
27 second petition, in case number SA CV 15-01681-JLS (DFM), was dismissed
28 with leave to amend because it failed to raise a federal constitutional claim and
was unexhausted. Blair Christopher Hanloh v. Sandra Hutchens, No. 15-
01681 (C.D. Cal. Dec. 21, 2015), Dkt. 3 (order dismissing petition with leave
to amend).

1 OSC at 5-8.

2 On February 28, 2017, Petitioner filed a response to the Order to Show
 3 Cause. Dkt. 5 (“Response”). In it, Petitioner summarily states that he is “on
 4 probation,” but despite the Magistrate Judge’s explicit order to provide more
 5 information, Petitioner nowhere explains which of his convictions resulted in
 6 that probation or how long the term was. See Response at 4. Thus, he has not
 7 shown that he was on probation—and therefore “in custody”—as the result of
 8 the convictions challenged in this Petition. See Maleng v. Cook, 490 U.S. 488,
 9 490-91 (1989) (“We have interpreted the statutory language as requiring that
 10 the habeas petitioner be ‘in custody’ under the conviction or sentence under
 11 attack at the time his petition is filed.”); accord Bailey v. Hill, 599 F.3d 976,
 12 978-79 (9th Cir. 2010). Petitioner also fails to show that his claims have any
 13 merit; rather, he points to 27 C.F.R. § 72.11, which defines terms related to
 14 certain federal regulations, as proof that “all crimes are commercial” and then
 15 he repeats some of the Petition’s arguments regarding the UCC. See OSC at 3-
 16 5. As such, the Petition must be dismissed for lack of jurisdiction and because
 17 it is frivolous. See Bailey v. Hill, 599 F.3d 976, 978-79 (9th Cir. 2010);
 18 Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (stating that summary
 19 dismissal is appropriate if allegations in habeas petition are patently frivolous).³

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 23 ³ In his Response, Petitioner seeks an order compelling “the People of
 24 the State of California” to “produce the contract or commercial agreement that
 25 would give them jurisdiction over him at the time of his arrest or prosecution.”
 26 Response at 5. Petitioner argues that “if the People are unable to show
 27 jurisdiction in any case against the Petitioner,” then “this court shall compel
 28 the People to state that the judgments against” Petitioner “were void from the
 beginning.” Id. at 5-6. Because the Petition must be dismissed for the reasons
 stated above, Petitioner’s request is DENIED.

ORDER

Accordingly, this action is dismissed with prejudice for the reasons stated in the Magistrate Judge's February 6, 2017 Order to Show Cause and herein.

Dated: April 28, 2017



JOSEPHINE L. STATON
United States District Judge

Presented by:



DOUGLAS F. McCORMICK
United States Magistrate Judge